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REPORT  
OF  
THE COMMISSION  
APPOINTED TO TREAT WITH THE  
SIOUX INDIANS  
FOR THE  
RELINQUISHMENT OF THE BLACK HILLS.

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COMMISSIONERS:

W. B. ALLISON, Chairman.

ALFRED H. TERRY.

G. P. BEAUVAIS.

A. COMINGO.

A. G. LAWRENCE.

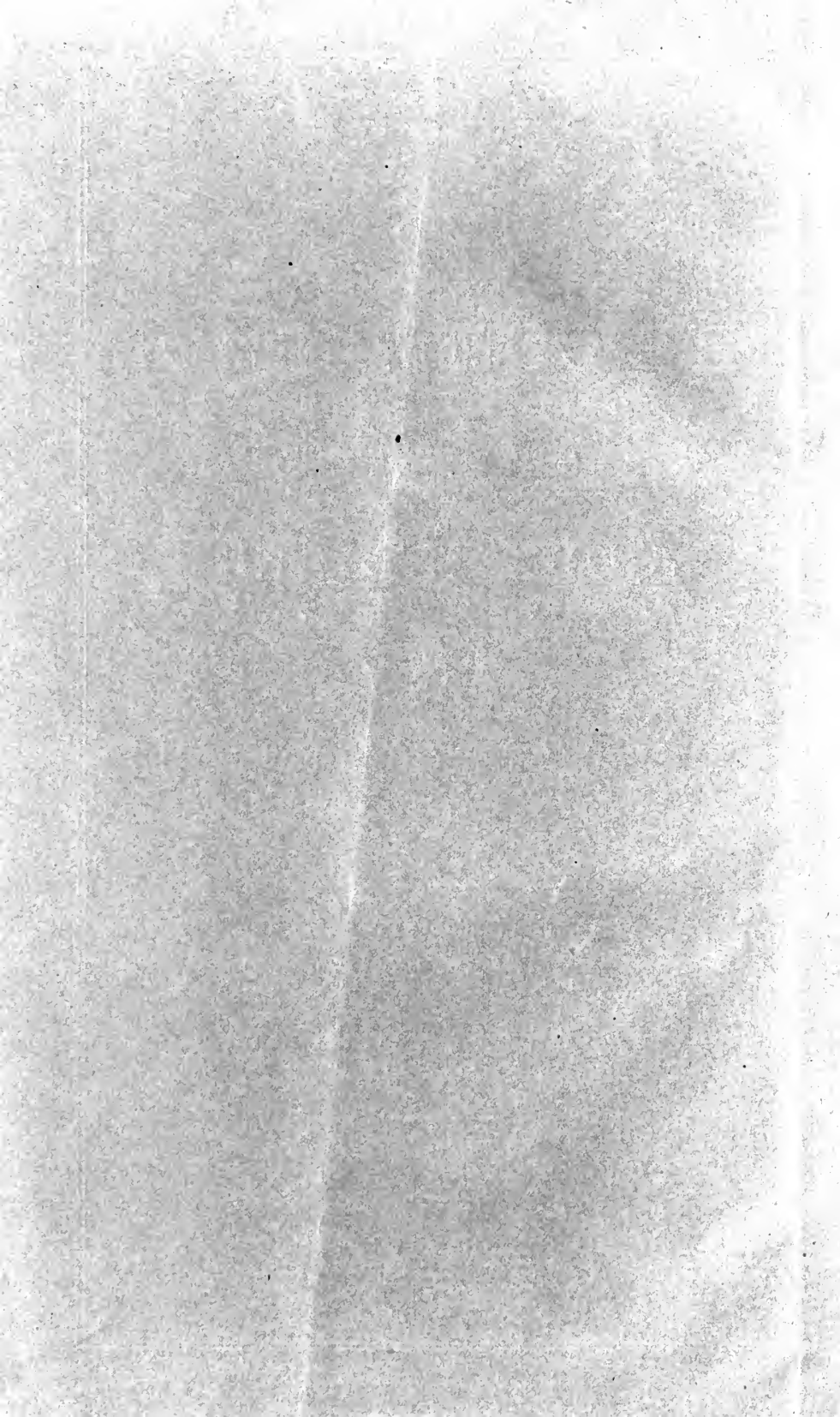
SAMUEL D. HINMAN.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
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## REPORT.

INTERIOR DEPARTMENT,  
Washington, D. C.

*To the honorable the Secretary of the Interior :*

The undersigned commissioners, appointed by your predecessor, under direction of the President, to negotiate with the Sioux Nation with reference to the Black Hills, submit the following report :

On the 18th day of June, 1875, the commission was appointed by the Secretary of the Interior, under the direction of the President, to proceed to the Indian country occupied by the Sioux Nation to hold with said nation a "grand council," with a view to secure to the citizens of the United States the right to mine in the country known as the "Black Hills," and such other rights as could be secured and as might be thought desirable for the Government, having in view the rights of the Indians and the obligations of the United States under existing treaty stipulations.

The following instructions constitute the authority under which the commission acted :

"DEPARTMENT OF THE INTERIOR,  
"OFFICE OF INDIAN AFFAIRS,  
"Washington, D. C., June 18, 1875.

"GENTLEMEN: You have been appointed by the honorable Secretary of the Interior under the direction of the President, as members of the commission to negotiate with the Sioux Indians relative to the procurement of a cession by them of such portion of that country known as the Black Hills, between the North and South Forks of the Big Cheyenne, as the President may determine to be desirable for the Government to purchase for mining purposes, and a relinquishment of their rights to that portion of Wyoming known as the Big Horn Mountains and lying west of a line running from the point where the Niobrara River crosses the east line of Wyoming to the Tongue River, said line to keep distant on the east not less than fifty miles from each of the forts formerly known as Fetterman, Reno, and Kearney, and also of the necessary right of way through their country to reach the country ceded.

"By reference to the treaty of 1868, made with these Indians, sections 2 and 16, copy of which is herewith inclosed, you will be informed as to the nature and extent of the respective claims of the Sioux to these tracts of country. That portion of the Black Hills country which lies within the boundaries of Dakota is, without dispute, a part of their permanent reservation. The country mentioned in Wyoming, as described in the sixteenth section of the treaty above referred to, is a portion of 'unceded territory.' To this the Indians have no claim except for hunting purposes and the exclusion of other people.

"By reference to a map of this country, inclosed herewith, you will observe that the cession of the Black Hills, and the relinquishment of the Big Horn country leaves a considerable tract between these two cessions still within the claim of the Indians, as defined in the sixth section. This region, especially along the Powder River, is known as the Sioux hunting-ground for buffalo, and is intended still to be preserved to them for that purpose, a passage to it being left open on the north of the North Fork of the Cheyenne, as well as on the south of the South Fork.

"The Sioux who are parties to the treaty of 1868, by which the rights involved in this negotiation were assured to them, are now found at six different agencies—Santee, Crow Creek, Cheyenne River, Standing Rock, Red Cloud, and Spotted Tail. They number not far from 35,000. There are also probably not far from 3,000 to 5,000 who roam over the Black Hills country, and to the north and west of it, who have not been enrolled at any agency, and who were only indirectly represented at the making of the treaty of 1868. It is deemed necessary, in order to bring this matter fairly before the large body of Indians interested, that a portion of the commission shall visit them at their respective agencies, and procure such interviews as may be possible with the roaming Indians, and lay definitely before them all the wishes of the Government and their own necessities and interests as involved in the question of the desired cession, and invite the Indians at their agencies to send representative men to a general council, to be held at as early a day as practicable at Fort Sully, on the Missouri River; which general council all the members of the commission are expected to attend.

"In negotiating with these ignorant and almost helpless people you will keep in mind the fact that you represent them and their interests not less than those of the Government,

and are commissioned to secure the best interests of both parties, so far as practicable. Great care should be taken in your interviews not only to secure proper and exact interpretations of the communications passing between you, but also to satisfy the Indians that their words are fairly conveyed in English. Rev. S. D. Hinman, a member of your commission, is entirely competent to give an exact rendering both of the English and of the Sioux. It will be well also in every case to employ the services of such an interpreter as the Indians may select, so as to secure between the services of the two not only exactness but the entire confidence of the Indians.

"In presenting this subject to the Indians they should first of all be assured of the kindly intentions of the President and the Government toward them. They should, if possible, be made to understand that this effort on the part of the Government to procure a portion of their country originated solely in a desire for the continuance of peace between them and the whites; that since the opinion that gold is to be found in the Black Hills has prevailed among the people it has been almost impossible to prevent white persons from entering their country, and that there is no little danger that, spite of all efforts to the contrary, some evilly-disposed persons will break through the line, and that conflict and blood will ensue.

"You will also assure the Indians that it is not the wish of the Government to take from them any of their property or rights without returning a fair equivalent therefor, and that you have come, representing their Great Father, to fix upon an equivalent which shall be just both to them and to the white people.

"You will be careful in your negotiations to keep constantly impressed upon the minds of the Indians that any agreement entered into at the council is to be brought back to the President, and by him to be submitted to Congress for consideration by that body; and that, until the contract has received the approval of Congress, it cannot be binding upon either party.

"Respecting the right of way, this should be left to the discretion of the President, as to the routes to be selected, and as to any restrictions to be imposed upon parties using the routes.

"The attention of the commission is invited to the tenth article of the treaty of 1868, in which provision is made for an appropriation for clothing and other beneficial purposes for the Sioux, for thirty years from the date of the treaty, and also for subsistence of meat and flour, for a period of four years. This latter provision has expired by treaty limitation, leaving the Sioux Nation dependent for the necessities of life upon the annual charity of Congress. The appropriations for the last few years for this purpose of subsistence vary from \$1,200,000 to \$1,500,000 annually, and if it should be denied by Congress in any of the annual appropriation bills, these Indians must be left to great hardships, and to hunger verging upon starvation, unless they attempt to supply their wants by marauding among the settlers, which attempt would inevitably lead to a conflict with the military. This difference as to the length of time in which provision is made in their treaty for clothing and subsistence had not been well understood by them until the late visits of the delegations to this city, when they were assured of the facts by the President, and seem so to accept them as such.

"The best interests of these Indians will require that any compensation made to them shall include this provision for subsistence in some form, and that in no case should it take the form of a cash annuity; but, so far as it shall be possible to gain their consent, shall be left in the discretion of the President to be used for their comfort and civilization, and the education of their children; and they should agree in accepting this provision to allow their children to be educated. The safest investment of any funds for them will be in United States coupon-bonds.

"The outlook for this tribe is by no means encouraging. They cannot live by the chase; they cannot be supported in idleness by the Government. They must begin at once to learn to live by herding or by agriculture, or both. For this and the education of their children they need help, and whatever expenditure the Government makes in their behalf in the future will be for their benefit just in proportion as the mode of its application corresponds to their actual necessities.

"The commission will make full report of their doings, and the results of their negotiations with the Indians; and submit for the consideration of the Department such recommendations upon the subject treated by them as they may deem best.

"Hon. Wm. B. Allison has been selected as chairman of the commission, and John S. Collins, esq., has been appointed as secretary. Messrs. Hinman, Comingo, and Ashby have been requested to undertake the preliminary work of visiting the Indians at their respective agencies, in order to lay the matter of the negotiation before them, and invite them to send delegates to the grand council at Fort Sully.

"You will please hold yourselves in readiness to attend the council at some point on the Missouri River, to be hereinafter designated, which council it is supposed will take place some time late in July.

"Such members of the commission as are under pay in other service of the Government will be entitled to receive their necessary and actual traveling expenses. Other members will receive, in addition to the above, a compensation of \$8 per diem while actually on duty.

"Your attention is called to circular letter of the Hon. Second Comptroller, of February 26,



1875, and Department circular of July 19, 1874, for information as to requirements in settling your accounts for expenses.

"Very respectfully, your obedient servant,

"ED. P. SMITH,  
"Commissioner.

"Hon. WM. B. ALLISON, *Dubuque, Iowa.*  
"Bishop E. R. AMES, *Baltimore, Md.*  
"Judge F. W. PALMER, *Chicago, Ill.*  
"Brig. Gen. A. H. TERRY, U. S. A., *Saint Paul, Minn.*  
"Hon. A. COMINGO, *Independence, Mo.*  
"Rev. S. D. HINMAN, *Santee Agency, Neb.*  
"G. P. BEAUVAIS, Esq., *Saint Louis, Mo.*  
"W. H. ASHBY, Esq., *Beatrice, Neb.*  
"A. G. LAWRENCE, Esq., *Rhode Island.*"

Bishop Ames and Hon. F. W. Palmer declined to serve, and Hon. T. O. Howe was substituted, who remained with the commission a few days only, when it became necessary for him to leave for another field of public duty.

In pursuance of instructions, Messrs. Hinman, Comingo, and Ashby, of the commission, visited the various agencies and tribes, and explained to the Indians the object of the grand council, and advised them that it would be held at or in the vicinity of the Red Cloud agency, and would convene on the 1st day of September. A report of their proceedings is hereto appended, marked B.

The commission met at Omaha, in the State of Nebraska, on the 26th day of August, and, after an organization and the transaction of some unimportant business, proceeded directly to the place designated for holding the council, via Cheyenne and Fort Laramie, Wyoming Territory, reaching Red Cloud agency on the 4th day of September.

On arrival at Red Cloud, the commission found that a misunderstanding existed between the tribes as to the place of meeting—chiefly between those located at Red Cloud and Spotted Tail agencies, the former insisting that the council should be held at Red Cloud, the latter that it should be held on Shadron Creek, about twenty-five miles from Red Cloud, and the same distance from Spotted Tail. These differences grew so acrimonious at times as to render it doubtful whether a grand council could be convened.

On the 17th of September, however, a final agreement was reached as to the place of opening the council, the place agreed upon being an open plain about eight miles from the Red Cloud agency, on White River, directly north of Crow Butte.

The intervening time was spent in holding interviews with the chiefs of the various tribes as to the object of the council, and endeavoring to impress upon them the necessity of making an agreement whereby the Black Hills could be occupied for mining purposes, in order that peace might be maintained and mutual good-will promoted.

#### PROPOSITIONS AGREED UPON.

Before the day appointed for the opening of the council, the commission held frequent meetings for conference as to the character of the proposition to be made to the Indians.

A majority decided that the instructions contemplated chiefly, if not wholly, the acquisition only of the mining rights and such other rights as are incidental and necessary thereto, and that it would be better for the Government, and surely so for the Indians, to make an agreement upon this basis, especially so as it seemed clear to the majority that the Indians would not make absolute sale upon any terms that would be acceptable to the commission, and that it would be inconvenient to secure the signatures of three-fourths of the adult male Indians to an agreement of sale; that being necessary under the twelfth article of the treaty of 1868.

A minority, however, entertained opinions decidedly adverse to these views, and maintained that the absolute title could be secured as easily and cheaply as the mining right and that in the end it would become necessary to divest the Indians of all title to the hills, but yielded, so far as to allow the proposition to be presented in the first instance in the form proposed by the majority; and, accordingly, the chairman was instructed to place the question before the Indians in that form.

#### OPENING OF THE GRAND COUNCIL.

The grand council opened on September 20, at the place designated.

The following members of the commission were present: W. B. Allison, chairman; A. H. Terry, A. Comingo, S. D. Hinman, G. P. Beauvais, W. H. Ashby, and A. G. Lawrence.

Of the Sioux Nation, representative men were present from the following tribes: Brulés, Ogallalas, Minneconjous, Uteapapas, Blackfeet, Two-Kettle band, Sans Arcs, Lower Brulés, Yanktons, Santees and Northern Cheyennes, and Arapahoes.

The chairman, by order of the commission, opened the council with a brief statement of the objects and wishes of the Government, as follows:

## REMARKS OF THE CHAIRMAN.

"We have now to ask you if you are willing to give our people the right to mine in the Black Hills, as long as gold or other valuable metals are found, for a fair and just sum. If you are so willing, we will make a bargain with you for this right. When the gold or other valuable minerals are taken away, the country will again be yours to dispose of in any manner you may wish. If you will sell to us this right, we suggest as the proper eastern boundary the point where the North and South Cheyenne come together, and that we take for mining uses all the country lying between the rivers thus uniting, as far west as the 104th meridian of longitude west of Greenwich, which will be about the line of the high limestone ridge in the western part of the Hills. We suggest these rivers as the north and south boundaries because they are easily known to you and to us. The great object we have in making this agreement is to secure a lasting peace with you. It will be hard for our Government to keep the whites out of the Hills. To try to do so will give you and our Government great trouble, because the whites that may wish to go there are very numerous. If you give us the rights we ask we will give you in return a fair equivalent, and in such a way as to do you good and improve your condition. We do not wish to take from you any right or property you have without making a fair return for it. We are asked by our Great Father, and it is our own wish, to consider the interests of both parties as far as we can. We know that you are in need of aid from us. You have received liberal sums from us in the last few years, and we fear they have not been of as much service to you as they should have been. Whatever we agree to give you now we will try and so arrange that it will all be expended in such manner as to put you in the way of helping yourselves, rather than that you should rely upon others, and place you in a condition by which you may in the future live, or try to live, as the white men.

"There is another country lying far toward the setting sun, over which you roam and hunt, and which territory is yet unceded, extending to the summit of the Big Horn Mountains. We do not know what value you place upon this country. We would like to secure your interest in a part of it, and if you are willing to sell we would like so much of it as lies west of a line beginning nearly west of where we now stand, namely, at the northwest corner of the State of Nebraska, and running in a northwesterly direction until it touches the Yellowstone River at the 107th meridian. It does not seem to be of very great value or use to you, and our people think they would like to have the portion of it I have described.

"We want you to consider this well, also. First consider whether you wish to part with it, and if you do, what you want us to pay for it, and let us know, and then if we can agree as to price we will buy of you."

## DIFFICULTIES AT THE OUTSET.

After this statement the Indians asked time to consult. It became apparent to the commission at an early period of the negotiations that the Indians would demand an exorbitant sum for the Hills. Nearly all having intercourse with them or influence over them made exaggerated statements to them of the value of the Hills, and it was a source of regret that the Indian agent at Spotted Tail and Dr. Daniels and other officers and employes of the Government, who had frequent communication and considerable influence over many of the Indians, felt it to be their duty to express opinions that the Hills were of great value for mining and agricultural purposes, and that the Government ought to pay from thirty to fifty millions of dollars for them. These opinions thus expressed, and differing so widely from the views of the commission, had the effect to excite hopes in the Indian mind which made it exceedingly doubtful in the beginning whether any agreement could be reached. These influences were in the main exerted to either secure an exorbitant price or compel a failure to make any agreement, and they were so potent at the agency that unless the commission would agree to a sum ranging from thirty to fifty millions, no agreement would or could be reached.

The Indians seemed to be divided into two parties, the larger willing to part with the Hills if a large price could be obtained; a smaller portion, more resolute, because composed chiefly of the young men, were opposed to parting with the Hills for any consideration whatever. These differences delayed a second meeting until the 23d, at which time no conclusion had been reached by them, and the tribes were all in bad spirit on that day, which most likely would have resulted in a serious outbreak but for the wise precaution taken by a few of the leading chiefs, especially by Young Man Afraid Of His Horses and his soldier band. Although all were present on the 23d, the council was not convened. No proposition was made by the Indians nor did any chief address the commission. All separated, after some consultation held by the leading chiefs among themselves, without fixing any time for future meeting. It was plain, from the proceedings of that day, that no agreement could be made; yet the members of the commission were anxious to continue their efforts at least long enough to secure an open and public expression of the views of the Indians.

The commission sent for some twenty of the leading chiefs to visit them at the agency and, in emphatic words, endeavored to impress upon them the importance of coming to some agreement among themselves. At this interview, which was held on the 26th, they agreed to meet the commission on the following day in council, and on the 27th the council

again convened. In the mean time several of the chiefs and tribes had left for their homes, so that at this and subsequent meetings no more than one-half of those present on the 20th and 23d appeared.

#### THE DEMANDS OF THE INDIANS.

On the 27th, 28th, and 29th, the commission listened to propositions from the leading chiefs of the various tribes, which were a mixture of complaints and demands, the latter of so extraordinary a character as to make it manifest that it was useless to continue the negotiations. We quote from most of these speeches to show the character and extent of their requirements.

**RED DOG.** We want to be taken care of for seven generations ahead.

**RED CLOUD.** There have been six nations raised, and I am the seventh, and I want seven generations ahead to be fed.

**RED DOG.** We want to get pay for seven generations ahead, the same subsistence that you have been giving us. All our chiefs are here. They want to get back pay from what our Great Father has promised us, in horses and light wagons with six yokes of oxen. They have surveyed the lands all around us, right by Running Water. We wish that our Great Father would move the line down to the Platte. We want the surveyor's mounds raised and moved down to the middle of the Platte. Our Great Father asked for the Black Hills, and our head chiefs said, "We don't want to give the whole Hills; we will just give where there is gold, in the center, not to include the pine; just the Black Hills." We don't want to have any more roads through the country to run over us here. The road they have made through the village, where the thieves came through, they may travel that. There are words I want to say for the half-breeds and those who are married to the Indians.

**LITTLE BEAR.** Our Great Father has a house full of money. Suppose a man walks right into that house and takes the money, do you suppose that would suit everybody? The Black Hills are the house of gold for our Indians. We watch it to get rich. For the last four years the Great Father's men are working at that hill, and I want our Great Father to remember that and not to forget it.

**LONE HORN.** Seven years.

**LITTLE BEAR.** If a man owns anything, of course he wants to make something out of it to get rich on. You gentlemen were sent from our Great Father's house—you are looking for something good, of course, and we are the same, and we are glad to speak to you. We would like to have you look after what has been taken out of the Black Hills. They have asked about buying them. You gentlemen came from there to see what has been said, and I am going to tell you what I think about it, and I want you to report it to your Great Father. There will be persons like myself, Indians, on the earth as long as they live. I want you to feed them, and give them rations every year, and annuities. We want to be helped and to be helped right and taken care of. The councilmen are here. Go and tell the Great Father what I have said, and come back and tell me. From this on we want our Great Father to help us; give us a great deal more than we get now. What we get does not go around. After this, when our Great Father sends us annuity-goods we would like to get a list of them, so that one of our own men can look over it. Tell this to the Great Father. When you help me to all that I will think over what you ask me.

**SPOTTED TAIL.** As long as we live on this earth we will expect pay. We want to leave the amount with the President at interest forever. By doing that I think it will be so that I can live. I want to live on the interest of my money. The amount must be so large that the interest will support us. Part of this each year I can trade for something to eat. I will trade part of it for enough annuity-goods to go around. I will trade some of it for stock to raise cattle. I will trade some of it for hogs. I will trade some of it for mares, to raise horses. We want some good cattle every year. I want some ammunition too—powder and lead. Every year we want some guns. If the Great Father does this while I live then I will get pay for the land. We want some clothes as long as any Indians live; if even only two remain, as long as they live they will want to be fed, just as they are now; as long as they live they want tobacco and knives. Until the land falls to pieces we want these things; when it does we will give it up. There is no use for the troops here now, and we want them removed.

**SPOTTED BEAR.** Our Great Father has a big safe, and so have we. This hill is our safe. That is the reason we can't come to a conclusion very quick. Before our Great Father does anything for us, these people go and steal from us, and I want that made good. As long as we live I want our Great Father to furnish us with blankets and things that we live upon. We want seventy millions of dollars for the Black Hills. Put the money away some place at interest so we can buy live stock. That is the way the white people do.

**RED CLOUD.** My Great Father has told me that there have been six generations back of Indian tribes, and I am the seventh. These hills out here to the northwest we look upon as the head chief of the land. My intention was that my children should depend on these hills for the future. I hoped that we should live that way always hereafter. That was my intention. I sit here under the treaty which was to extend for thirty years. I want to put the

money that we get for the Black Hills at interest among the whites, to buy with the interest wagons and cattle. We have much small game yet that we can depend on for the future, only I want the Great Father to buy guns and ammunition with the interest so we can shoot the game. For seven generations to come I want our Great Father to give us Texan steers for our meat. I want the Government to issue for me hereafter, flour and coffee, and sugar and tea, and bacon, the very best kind, and cracked corn and beans, and rice and dried apples, and saleratus and tobacco, and soap and salt, and pepper, for the old people. I want a wagon, a light wagon with a span of horses, and six yoke of working cattle for my people. I want a sow and a boar, and a cow and bull, and a sheep and a ram, and a hen and a cock, for each family. I am an Indian, but you try to make a white man out of me. I want some white men's houses at this agency to be built for the Indians. I have been into white people's houses, and I have seen nice black bedsteads and chairs, and I want that kind of furniture given to my people. I thought I had some interest in this saw-mill here, but I find I have not. I want the Great Father to furnish me a saw-mill which I may call my own. I want a mower and a scythe for my people. Maybe you white people think that I ask too much from the Government, but I think those hills extend clear to the sky—maybe they go above the sky, and that is the reason I ask for so much. I think the Black Hills are worth more than all the wild beasts and all the tame beasts in the possession of the white people. I know it well, and you can see it plain enough that God Almighty placed those hills there for my wealth, but now you want to take them from me and make me poor, so I ask so much so that I won't be poor. Now I will tell you how much of the country I give you. Around the hills is a race-track, (trail,) and I sell to the Government inside of that trail.

**BLACK COAL** (Arapahoe.) I say for my part that we want our rations and annuities, and the Government to help us for seven generations to come. Our Great Father's boys have destroyed all our game on which we depend for a living, and I want our Great Father to pay for it in beef and other provisions, so that we can depend on it hereafter for a living. I have a right to payment for the Black Hills as well as the Ogalallas.

**LITTLE WOLF**, (Cheyenne.) You are here to try to buy the gold regions in those Black Hills. There has been a great deal stolen from those hills already. I want to speak to you in regard to this country that I have lost. My people own an interest in these hills that you men speak of buying; after this my people want to be fed by the Government for the next seven generations. We want guns and ammunition in return for this portion of land that the Great Father has asked for. If the Great Father gets this country from us, it is a rich country and we want something to pay us for it. We want to be made rich too. There is gold and silver and a great many kinds of mineral in that country. The Great Father gets that for the whites. They will live on it and become rich. We want him to make us rich also.

**FAST BEAR**. The beef-cattle that the Great Father has issued to me, no doubt each steer has been weighed twice and called two, and some of them have been put away somewhere else, and I wish the Great Father would track them up. It seems that all this back pay is due me and some of it has been lost and I didn't know it, and I wish that it would all be tracked up and put in with this payment for the Black Hills. This land that you want to buy is not a small thing. It is very valuable and therefore I am going to put a big price on it. I am in the center of the Sioux tribes, and we must all have an equal payment. I want to put some of the money from this land that we let you have at interest in our Great Father's hands. With the interest I want to buy some stock and hogs and good tame cows, and mares. I don't mean to have these paid out of the annuities, but from the back pay. Hereafter our Great Father should give us rations. I want the Government to give us rations and annuities, more than we have now, and ammunition and guns for the Black Hills. I want you to give us the same as in the treaty of 1852, whatever has been issued to us—even little tin pails, &c. Of course it is not a very small thing that you ask of me, and therefore I ask to be supported as long as I live, and as long as my children and their children live. Now for the Black Hills. I will tell you the portion we want to give you. There are two rivers, one on each side; we don't want to give you the land to the rivers, but only the lands in the Black Hills as far as the pine goes. There must be only one road from the Missouri to the Black Hills. One of my head men was caught in the Black Hills and scared a little last summer. I want the Government to pay him for that road.

**Mr. ALLISON**. What road?

**FAST BEAR**. That thieves' road. (Custer's trail.)

**STABBER**. Now, beware, and be lively, and don't be discouraged, and try and give as many millions as we have asked for those hills. We know that those hills will support us for seven generations to come, and I have said it plainly more than once. I have said that you white people are rich, and I want of the Great Father guns and provisions and live stock issued to us on which we may depend for seven generations to come, or as long as we live.

**DEAD EYES**. You have put all our heads together and covered them with a blanket. That hill there is our wealth, but you have been asking it from us. It is not a very small thing, you must remember; therefore, at our Great Father's house, we asked for a great deal, but it is not very much when we will ask equal shares. You white people, you have all come in our reservation and helped yourselves to our property, and you are not satisfied;

you went beyond to take the whole of our safe. These tribes here all spoke with one word in saying that they look after their children for seven generations to come, and I think it is right. These people have asked you to remove the surveyor's line a little back, and give us a little wider track. They mean it when they say it. If it is done we will live happily and peaceably.

**CROW FEATHER.** You, my Indian friends, of course, all who have an interest in this land have a right to step up and speak for themselves. I never call anybody our Great Father but God. I have heard there is another Great Father down here, and I am going to call him our Great Father. A man has a right to speak as he pleases, and ask what he wants for his own land. Now, our people say that the Great Father shall grant our wishes. You all remember that, boys. You white people have brought word from the Great Father. You have brought tidings, and it is not a very small thing. It seems as though you take the head from my shoulders; that is just the way that I feel. Of course our Great Father don't keep his safe in his house for thieves to go in the door and take his money out. We all know that. Our Great Father has asked me to give up the heart of this land where I was born and raised, and the heart of this land is big and good, and I have camped all around it and watched and looked after it. Our people here speak of seven generations to come. Now, remember, I hope that our Great Father will not be so stingy with his money as not to grant that. We wish our Great Father to feed people of my color hereafter as long as the race lasts. We want from our money different kinds of live stock such as the white people have. We want clothes for the Indian race as long as it lasts. Even if our Great Father should give a hundred different kind of live stock to each Indian house every year, it seems that that would not pay for the Black Hills. I was not born and raised on this soil for fun. No, indeed. When our Great Father asked for this land I thought it pretty hard. Now there are thirty-two annuities that the Government has promised us. I hope that that won't be included in this annuity for the Black Hills. I hope our Great Father will look and see how many millions of dollars have been stolen out of the Black Hills, and when he finds it out, I want the Great Father to pay us that, different from the Black Hills annuity.

**FLYING BIRD.** There is gold all over this hill out here which our people own. You can see it with your naked eyes. What our people ask for the Black Hills, the amount that we ask from our Great Father, will grow small year by year, and the Black Hills will grow richer. As long as our Indian race lasts we hope that our Great Father will not forget us. That he will clothe them as long as they live, and feed them and furnish them with live stock. From this treaty on, every time the Government delivers an annuity to our agents, we shall choose a half-breed who lives among us. The chiefs must take this last and give it to that man, for we well know that there are many rats between here and the Great Father's door. But if our Great Father only knew he would go on and drown them out, and find many rat-heads all the way.

At the meeting on the 28th, Spotted Tail asked the commissioners to state in writing what sum they were willing to pay for the hills, and the manner of payment. On the 29th the commissioners submitted a final proposition in writing to the Indians, as requested by them the day previous.

#### THE FINAL PROPOSITION.

The people of the United States, desiring to live in perpetual peace and unity with those of the Sioux Nation, and desiring to deal with them in all things liberally, fairly, and justly, and to contribute as far as may be to their civilization and comfort, do, through their commissioners, duly appointed and authorized, submit to said nation the following propositions, assuring them that it is their privilege to accept any one or reject all of them:

I. To purchase the license to mine, and also as incidental thereto the right to grow stock, and to cultivate the soil in the country known as the Black Hills, and bounded and described as follows, to wit: Beginning at the junction of the North and South Forks of the Cheyenne River, and embracing all the territory between said rivers lying west of said junction to the one hundred and fourth meridian of longitude west from Greenwich, the United States agreeing to pay therefor the sum of \$100,000 per annum; the United States reserving the right to terminate said license at any time by giving two years' notice by proclamation, and payment of the full amount stipulated for the time the license may continue; and at the expiration of said term, all private property remaining upon said territory shall revert to the Sioux Nation; and such an amount of said \$100,000 as the Congress shall determine, not less than \$100,000 annually, shall be expended for objects beneficial for their civilization, and the remainder of said annual sum shall in like manner be expended for their subsistence; or, if the Sioux Nation prefers it,

II. To purchase the Black Hills as above described, from the Sioux Nation, and to pay them for their interest therein the sum of \$6,000,000 in fifteen equal annual installments; the said sums to be annually appropriated for their subsistence and civilization, not less than \$100,000 of which shall be annually expended for purposes of civilization.

III. That the President of the United States shall, under proper restrictions and regulations, designate three routes to the Black Hills country, as follows, to wit: One from the south, between the one hundred and second and one hundred and third meridians; one from

the east, not farther north than latitude  $43\frac{1}{2}^{\circ}$ , until it reaches the one hundred and second meridian, and one from the west, not north of latitude  $44^{\circ}$ ; also a branch road from some point on the Niobrara River to intersect either the eastern or southern route, at some convenient point not west of the one hundred and third meridian west of Greenwich.

IV. The commissioners furthermore propose to purchase all that portion of what is known as the Big Horn country in Wyoming, which lies west of a line drawn as follows, to wit: Beginning at the northwest corner of the State of Nebraska, and running in a northwesterly direction until it reaches the Yellowstone River, where the one hundred and seventh meridian west of Greenwich crosses said river; and to pay the Indians for their interest therein the sum of \$50,000 annually for ten years, to be paid in good American cows and other live stock, and in such implements of husbandry as are convenient to stock-growing and as may be deemed advisable by the President.

V. Any agreement which may be made shall be of no binding force upon either party until it shall have been submitted and agreed to by Congress and approved by the President of the United States; and any agreement for the purchase of the Black Hills country shall be of no effect until it shall be so agreed to and approved, and until it shall be signed in accordance with the provisions of the twelfth article of the treaty of 1868.

VI. The commissioners propose that, in case of the acceptance by the Sioux Nation of the above propositions, and after the proposed agreement shall have been completed, as above set forth, a reasonable sum shall be expended in presents to be distributed as is customary among the Indian people.

The Indians refused to consider the question of cession of that portion of Wyoming known as the "Big Horn country" on the ground that it was valuable to the wild tribes and bands who roam over it, and that they would not consent to surrender it at present. Finding the Indians opposed to any negotiation for the sale of the "Big Horn country," this branch of the subject was not pressed upon them, although it would be a very desirable acquisition.

The proposition, so far as the Black Hills are concerned, was presented in the alternative. The commission then had serious doubts whether there was gold in the hills in sufficient quantity to make mining profitable, but were willing to make their proposition most liberal in order to give opportunity of testing their value. It will be observed that \$300,000 of the annual payment was to be used for subsistence, in case of purchase, for fifteen years, and, in case of acquisition of mining right only, for a period of two years after notice to the Indians and to the miners, and \$100,000 each year was to be used for purposes of civilization, to teach the Indians how to take care of themselves and to provide them with the means.

The commission all agree that a much larger sum than \$300,000 annually will be required for several years to subsist these Indians, regardless of what may be our future treatment of them. Under existing treaty-stipulations we are not required to make any appropriation for this purpose, yet Congress in the last two years has thus appropriated about \$2,400,000. These appropriations have been made on the theory that either starvation or a border war would result if the appropriations were not made.

#### THE COST OF THE SIOUX.

To test the accuracy of this view relating to probable future expenditures, the commission submit the facts as they appear in the history of this Sioux Nation for the last six years, under the present policy and under the treaty of 1868.

For the last six years, including the present fiscal year, the Government of the United States has appropriated for the support of the Sioux Nation, under the treaty of 1868 and in addition to the obligations of that treaty, the following sums:

For the fiscal year 1870-'71.....	\$1,867,376 00
For the fiscal year 1871-'72.....	1,917,500 00
For the fiscal year 1872-'73.....	1,919,300 00
For the fiscal year 1873-'74.....	2,437,640 49
For the fiscal year 1874-'75.....	2,002,500 00
For the fiscal year 1875-'76.....	1,719,300 00

Or, for six years, the sum of..... 12,863,616 49

This does not include any probable deficiency that may appear at the end of the present fiscal year, which will probably amount to a considerable sum if the estimate made by the agent at Red Cloud, at the request of and for the commission, even approximates a correct statement. His estimate is as follows:

## AGENT SAVILLE'S ESTIMATE.

*Estimate of supplies for the Ogallalla, Sioux, Northern Cheyenne, and Arrapahoe Indians for the year ending June 30, 1876, 13,500 persons, being 4,927,500 rations.*

Articles.	Pounds.	Estimate for Sioux, 1,000 persons, 365,000 rations.	Estimate for Northern Cheyennes and Arap- ahoes, 3,500 persons, 1,277,500 rations.	Total estimate for Sioux, Northern Cheyennes, and Arap- ahoes.	Total received for Sioux, Northern Cheyennes, and Arap- ahoes.	Price.	Cost of amount esti- mated.	Cost of amount re- ceived.
		<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>		<i>Dollars.</i>	<i>Dollars.</i>
Beef.....	300	10,950,000	3,832,500	14,782,500	9,000,000	2.46½	364,388 62½	221,850 00
Flour.....	35	1,277,500	447,125	1,724,625	500,000	4.30	74,153 87½	14,400 00
Corn.....	35	1,277,500	447,125	1,724,625	880,000	3.50	60,361 87½	30,800 00
Beans.....	5	182,500	63,875	246,375	60,135	3.28	8,081 10	1,972 43
Sugar.....	8	292,000	102,200	394,200	150,044	8.94	35,241 48	13,413 93
Coffee.....	4	146,000	51,100	197,100	74,612	21.37	42,120 27	15,944 58
Bacon.....	14½	520,000	187,366	707,366	200,000	14.90	105,397 53	29,800 00
Salt.....	1	36,500	12,775	49,275	11,000	6 6-10	3,252 15	726 00
Soap.....	1	36,500	12,775	49,275	7,700	.55	13,550 35	4,235 00
Tobacco.....	½	18,250	6,387	24,637	6,000	.30	.....	1,800 00
Tea.....	.....	.....	.....	.....	.....	.....	726,552 25	334,941 94

The above estimate is based upon the largest number of Indians visiting the agency.

It was reduced in my corrected estimates about one-fourth in amount for those who would be absent from the agency during part of the year hunting.

The rapid destruction of the game, however, has caused a larger number than usual to remain at the agency, so that the reduction of twenty-five per cent. of the estimate will leave the supply small.

The amount allowed is less than half of the estimated requirement. An examination of the estimates and the amount allowed will show that the supplies of all rations will be exhausted by the last of February, or, at latest, the middle of March.

After the present year the full amount of the estimate will be required at this agency, as undoubtedly the full number of Indians estimated will reside at this agency, unless a Black Hills agency is formed, which will reduce the number of Sioux at this agency to about seven thousand.

J. J. SAVILLE,  
*United States Indian Agent.*

These appropriations have all been expended except those for the current fiscal year. Of this aggregate sum, \$2,400,000, appropriated for the last and current fiscal year for subsistence, is outside of the treaty of 1868, and appropriated solely on the ground of charity and humanity.

From all the evidence derived from agents, employes, and the Indians themselves, the commission is of opinion that the annual value of all the products secured by a cultivation of the soil by the Indians at the several agencies would not exceed \$5,000 per annum for the last six years. In this estimate we do not include the products of the Santees or the Yanktons, neither of which tribes resides on the Sioux reservation. And the commission is of opinion that, if the present policy is continued, the results of the next six years will not differ materially from those of the last. Indeed, the commission very much doubts whether enough has been raised in the aggregate to re-imburse the annual appropriations made for the salaries and expenses of the farmers employed by the Government at the various agencies.

The commission cannot state what effort, if any, has been made to induce the Indians to work at the various agencies, other than that found in the published reports; nor can they speak intelligently of the possibilities, with proper effort, at any of the agencies except Red Cloud and Spotted Tail, but from published statements and the most reliable data accessible it is very doubtful whether any considerable portion of the reservation, although containing 2,500,000 acres, is suited to agriculture, although a very large portion could be made available for grazing, if the Indians could be made to care for stock in this rigorous climate during the winter.

There are at Red Cloud and Spotted Tail at least twenty thousand Indians now subsisted and cared for by the United States. Our observation leads us to the conclusion that the character of this region is such that farming operations are impracticable, even when con-

ducted by those familiar with the best methods. Small tracts could be made productive by means of expensive irrigation, but the volume of water is not sufficient to irrigate on an extensive scale, even if the country were suitable. Grazing to a limited extent might be made remunerative. An impediment, however, in the way of grazing, even, arises from the fact that both these agencies are located in the State of Nebraska, outside of the reservation set apart by the treaty of 1868. A short distance to the north are the *Mauvaises Terres*, or Bad Lands, extending through the reservation in a northwest direction from the Missouri River to the western boundary, and fifty miles in width most of the distance. A short distance south are the Laramie and Platte Valleys, both in Nebraska, occupied by the whites for grazing purposes; thus leaving for the use and occupation of the Indians a narrow belt of country on the White River, unless they cross the Bad Lands north, (which is not practicable,) or unless they encroach upon the lands south, occupied by the whites, which, if done, would lead to serious trouble with citizens of the State of Nebraska. So that it does not seem practicable for them to sustain themselves by grazing or farming where they now are, even if they manifested a disposition to work, which they do not.

#### THE PRESENT PROBLEM.

For the reasons just stated, and for others equally obvious to any who will visit their country, but not within our province to discuss, no progress whatever has been made toward civilization or self-support at either of these agencies, or among the tribes receiving their rations and annuities at these agencies, during the last six years, unless we should call progress that dependence which makes the Indian rely upon the Government rather than the chase, or labor for the necessities of life. During these six years, whatever of food, clothing, or shelter they have had, has been provided by appropriations from the national Treasury, and the Indians have done absolutely nothing but eat, drink, smoke, and sleep, except indulging each day in the healthful exercise of horseback riding, (each Indian having at least one pony,) and at intervals, for diversion, engage in a hunt to the north or south. They regard labor as disreputable and disgraceful, unless performed by the women of the tribes, who do the necessary drudgery. It occurs to the commission that so large an annual expenditure of public money, with so feeble results, is expensive and unremunerative to the United States and to the Indians. As long as the present methods continue, very large annual expenditures will be required, but not so large as heretofore, if better methods for issuing supplies should be adopted.

The commission do not charge that any frauds have been committed by any one, as they have no knowledge of any, and made no investigation; but they are quite sure that the opportunities for fraud are easy and frequent. But under any possible method, large expenditures must be continued for a time, unless they are left to starve or prey upon the settlements along the border for subsistence. They can no longer live by the chase, and it will require much persevering and well-directed effort for some years and a change of location to lead them up to a position where they will be self-supporting. This expense will continue to increase with the growth of the tribes in numbers, and all the reports of enumeration show that they are increasing in numbers.

#### THE NUMBER OF THE SIOUX.

Hon. Peter B. Porter, Secretary of War in 1829, estimated the Sioux tribes at 15,000 from the best data then attainable.

Niles's Register of date of September 29, 1829, contains an extract from the private journal of a gentleman who resided three years on the St. Peter's River, who fixes the total number of Sioux, including the Sissetons and Tetons, at 40,000; 21,000 of these are Tetons, and are not included in the present estimates of the Sioux nor in the report of Secretary Porter. In 1836 the Sioux were estimated in the report of Secretary of War at 23,931; and in 1850 at 26,000, including all Sioux in Dakota and Minnesota. In 1862 the Commissioner of Indian Affairs estimated the Sioux of Dakota at 13,000. The present estimate of the Commissioner of Indian Affairs, report of 1874, fixes the number of the various tribes of the Sioux at 41,704, of which 35,143 are in Dakota, and 35,455 are entitled to the benefits of the treaty of 1863, which shows a large increase over the number reported in 1829 and 1862. The later reports of the Indian Office greatly vary in their estimates of the actual number. It is probable that the data from all these sources are inaccurate, but enough is seen to show that the Sioux tribes are increasing in numbers. A provision should be made and enforced for a complete and accurate census. The national census of 1870 was taken under the law of 1850, which makes no provision for the enumeration of Indians not taxed, so that the estimates then made are derived from the Indian Office, which fixed the total number of Indians in Dakota at 27,520. Enough, however, is ascertained from these sources to justify us in maintaining that the Sioux tribes are increasing in numbers. In confirmation of this view we call attention to the statistics and views carefully prepared by General A. G. Lawrence, of the commission, and appended hereto, and marked A. These considerations led the commission to agree to a much larger sum than they believed the hills to be worth. This offer, regarded by the commission as ample and liberal, met with derisive laughter from the Indians assembled, as being inadequate.



## THE CONFERENCE ENDED.

The conference ended on the 29th September without any result being reached. On the evening of that day the commission was waited upon by Spotted Tail and other leading chiefs, who requested that the President should call to Washington two or three prominent chiefs from each band for purposes of further negotiation, and the commission assured them that they would make known their wish to the President by calling attention to the fact in any report they would make. The commission, however, desires to state that, in its judgment, no good would result from such a conference. The Indians, in their present temper, would not agree to any terms that ought to be proposed by the Government, and if they did, any such agreement would not receive the sanction of three-fourths of the tribe. Either the treaty of 1868 must be disregarded, or any agreement looking to the purchase of the Hills must receive the assent of three-fourths of all the male members of the Sioux Nation, under the twelfth section of the treaty, which is as follows:

"No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same. And no cession of the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of any tribe of his rights to any tract of land selected by him, as provided in article six of this treaty."

## THE PROBLEM CONSIDERED.

We do not believe their temper or spirit can or will be changed until they are made to feel the power as well as the magnanimity of the Government; and inasmuch as Congress is required by existing law to approve of any agreement made before it is binding on either party, the commission are unanimously of the opinion that Congress should take the initiative and by law settle for itself what shall be done upon the whole subject, and then notify the Sioux Nation of its conclusion. If they assent to the terms proposed, let them be carried out by the Government; if they do not consent, the Government should withhold all supplies not required by the treaty of 1868. If the Government will interpose its power and authority, they are not in condition to resist. This authority should be exercised mildly but firmly, and should be directed mainly to provisions looking to the ultimate civilization of the Indians. They never can be civilized except by the mild exercise, at least, of force in the beginning. This generation of them will not voluntarily sustain themselves, and the Government has only before it the alternative of perpetually supporting them as idlers and vagabonds, or using such power as may be necessary to enforce education in English, in manual labor, and other industrial pursuits upon the youths of the tribes, male and female, thus preparing the coming generation to support itself and finally to become citizens of the United States. Also, such power and authority as will compel the existing generation to make an effort to become self-supporting by agricultural or other labor.

## THE PROVISIONS OF THE TREATY OF 1868.

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The treaty of 1868 contemplated these results within a brief time, and provided, as was then supposed, ample means to accomplish them.

Article 7 provides for the education of all children between the age of six and sixteen years. This article has not been enforced either at Spotted Tail or Red Cloud, in any sense, and scarcely noticed at any of the remaining agencies.

The ninth article provides for the delivery to each person who shall begin farming one good American cow and one good, well-broken pair of American oxen, and in addition, for a period of thirty years, twenty dollars annually.

The sixth article provides that any head of a family may hold in severalty 320 acres of land, and any person over eighteen years of age, not the head of a family, 80 acres.

The eighth article provides for \$100 in value of seeds and farm-implements for the first year, and \$25 annually for the same purpose for three years more.

The tenth article provides for one good substantial suit of woollen clothing for each male over fourteen years each year for thirty years, and for each female over twelve one suit annually for thirty years, and material for one suit each year for all under these ages for a period of thirty years. Assuming the average annual cost for clothing to be \$10, and the number thirty thousand, this item alone will cost \$300,000 per annum for thirty years from the date of the treaty. This article further provides food for a period of four years, provided the Indians could not furnish their own subsistence at an earlier date.

This important treaty of 1868 contemplated, among other things, that the Sioux Nation should establish itself on a permanent reservation; that it would be required by labor to support its own members after a period of four years, except that clothing was provided for thirty years; and to induce the Indians to become self-supporting, the Government agreed:

First. To set apart for each head of a family in severalty 320 acres of land, and each person not the head of a family 80 acres.

Second. For the first year seeds and farm implements to the value of \$100, and \$25 for three years more.

Third. One good American cow, and one pair of well-broken American oxen.

Fourth. Twenty dollars annually for thirty years for each person engaged in farming.

Fifth. One substantial suit of clothes for each member of every family for thirty years.

Sixth. Schools, teachers, physicians, blacksmiths, farmers, &c.

These are the bounteous provisions of the treaty of 1868, applied to every family of every tribe in the Sioux Nation, and which contemplated that at the end of four years, if not earlier, the nation would be able to provide its own subsistence.

Nearly seven years have passed away and these Indians are no nearer a condition of self-support than they were when the treaty was signed; and in the mean time the Government has expended nearly \$13,000,000 for their support. So that the future treatment of the Sioux becomes a matter of serious moment, if viewed from no higher stand-point than that of an economic question.

#### WHAT SHALL BE DONE?

The purchase, lease, or occupation of the Black Hills by the whites is a mere incident to the great question, what shall be done with the Sioux people? It is said, "As long as we feed them we will not be required to fight them." If this alternative is presented now, it will be fifty years hence if we continue to furnish them subsistence and take no steps to improve their condition, as we surely have not in the last six years. And if their numbers are increasing, as we believe, the amount to be annually expended will increase in like ratio. The commission is therefore of the opinion that Congress should act upon the whole question, and devise a policy especially applicable to the Sioux Nation, within the spirit and letter of the treaty of 1868. This treaty contains two leading ideas, and was intended to secure two purposes, namely, the education of the rising generation, and the self-support of all the tribes. The former was made compulsory by the seventh article of the treaty, and nearly all of the remaining provisions, so far as the Indian is concerned, were intended to accomplish the latter by holding out to him inducements supposed to be ample to secure easy and rapid compliance. That this was intended and expected, is clear from the fact that the treaty only provided subsistence for four years at most. Congress can, under the letter of the treaty, provide most stringent laws for the education of those between 6 and 16.

The Government is pledged by the treaty to provide schools and teachers, and the Indians agrees and "pledge themselves to compel their children, male and female, between the ages of six and sixteen years to attend school." The obligation is mutual and the power ample. Surely, if England and the German states, Hungary and Denmark, and the most enlightened of American States, think it worth while to enact stringent laws to enforce the attendance of the youths at the common schools, our Government, when it has the power, should, by stringent laws faithfully enforced, make the experiment which it is pledged to make by the treaty of 1868. The common school, in the several States of the Union, is supported by taxation of property. Iowa taxes her people \$4,000,000 annually, and Massachusetts, with about the same population, \$6,000,000 annually, to support free schools. The State of New York has expended in the last twelve years for public-school purposes \$116,000,000 raised by taxation.

#### EDUCATION AND LABOR.

These enormous sums are levied upon the property of the people, on the theory that universal education is essential to the welfare of the State. These Indians are within the territorial limits of the United States, and subject to their authority, and cannot be removed out of that jurisdiction. Education to them is essential if they are to be reclaimed from semi-barbarism, and it concerns the whole people of the United States. We now supply all the children of the Sioux Nation, between the ages of six and sixteen years, with food and clothing, and with better food than is enjoyed by a very large portion of the laborers of the country, and expend as much, per capita, for clothing, as is expended by many of our laborers, so that the only additional expense in educating them would be the employment of competent teachers, and the necessary expense of buildings for school purposes. These schools ought to be established at points not accessible to the adult Indians, for instruction in the elementary branches of English as usually taught in our primary schools, and should also embrace instruction in the ruder employments, such as are taught in manual-labor schools for boys and industrial schools for girls. It might be difficult to separate the younger children from their parents, and an attempt so to do might meet with serious opposition, so that at first those in charge should select, with the consent of parents, the brightest and most promising youths for such schools, and in the mean time other schools of like character, with stringent rules for their government, should be established in the neighborhood of the agencies, but wholly separated from them. In this way the Indians would very soon realize the benefits to be derived, and further separation would be less difficult.

This experiment of separation was successfully tried by the Choctaw Nation in 1825, and subsequent years. A school was established in Kentucky, known as the Choctaw Academy, and was under the direction of Col. Richard M. Johnson, located at Blue Springs P. P. Pitchlyn, a well-educated Choctaw, says, in a letter to the Hon. James Barbour, Secretary of War:

"I approve of the measure because I was educated in the bosom of our white brethren in Tennessee, and I know how to appreciate its inestimable blessings arising from an education among them. It is my decided opinion that promising youths of our nation should be educated in this method, leaving the mass of our population to the honorable and benevolent exertions of the missionaries who are settled among us; for we acknowledge with gratitude their pious and benevolent labors, and nothing is intended to depreciate their merits."

Niles's Register of November 4, 1826, noting the progress of this school, says:

"The Choctaw Academy of Kentucky is in a flourishing state. The second examination of the pupils lately took place in the presence of 500 people, and the boys acquitted themselves much to the satisfaction of all present."

Again, in July, 1827, it says:

"There are at date at this establishment about 100 boys from the tribes of the Choctaws, Creeks, &c., a part of whom have attended more than twelve months, and have made very considerable progress."

The present advanced state of civilization among the Choctaws and Creeks may be traced to efforts like those pursued a half century ago. It is vain to expect that such schools will be attended unless attendance is made compulsory by law, and enforced rigorously. If the Government will earnestly enter upon an experiment of this character, making the necessary additional appropriations therefor, philanthropic people will be ready to second the work, either with money or effort, or both. Even now considerable sums are expended by the various missionary societies for schools, doing good here and there, but of little service in civilizing a whole tribe or nation. It may be said if this policy shall be adopted for the Sioux it should be for all other tribes as well. The answer is that the burden is enforced upon us by the treaty of 1868, so far as the Sioux are concerned, and no other treaty imposes a like burden. There are from 2,000 to 2,500 children about the Red Cloud agency, and no school has been established there, or any attempt made to have one. There are 2,000 in the neighborhood of Spotted Tail agency, and no effort worthy of that name has been made at this agency to establish a school. At the Cheyenne River agency there are probably from 1,000 to 1,500 children, and a missionary school, with an average attendance of 20.

The Commissioner of Education estimates that there are 10,217,825 children in the United States between the ages of six and sixteen years, or about one-fourth of the whole population. Assuming that about the same ratio prevails in the Sioux tribes, there are now on the Sioux reservation 8,000 children who are growing up in barbarism, not 200 of whom have ever received any instruction whatever; and these children are not decreasing in numbers. An actual count of the Indians at Yankton agency was made in 1859, report of which is found in Indian Report of that year. This count shows, men, 440; women, 632; boys, 473; girls, 427, and about 150 absent; which shows the ratio of children to be not less than above estimated. If this condition is to continue, how long will the people of the United States be taxed to support the Sioux Nation? If the Government shall enter upon the work in earnest, these labor-schools could be established in a mild climate and productive country, and could soon be made self-sustaining; but the power of force, mildly exercised, must be invoked in the beginning. To rely upon voluntary attendance is futile. This has been tried for two hundred years, and has rarely been a success among the wilder tribes of Indians. This experiment may not be, but should be attempted gradually, and upon a well-matured plan, prepared by eminent teachers. It may be said that this experiment will make large drafts upon the Treasury. This need not be so. As stated before, these children are now clothed and subsisted; or, rather, money is expended to clothe and subsist them. All above twelve years of age could, if well directed, very soon be made to earn their own subsistence and enough to supply food to all attending school, and in time do very much toward providing their own clothing. The latter, if successful, would relieve the Government from clothing them for thirty years, as required by the treaty. Besides, the experiment could be tried in such a gradual way as that, if failure should follow, it need not be pursued. Or, if it shall prove too expensive, it could at any time be abandoned by Congress. This method is suggested for consideration. If a better can be found, it should be adopted. It seems to the commissioner that education, as here suggested, or by some effectual method, is the first step toward the civilization of these tribes. Religious missionaries or sectarian schools are useful as adjuncts, or may follow; but a complete system of education, embracing all the children, is the first requisite. Some comprehensive system of education for the Sioux Nation should be established, or all attempts to educate and civilize them might as well be abandoned.

The remaining element in the treaty, as already stated, contemplated that these tribes should become self-supporting at the end of four years. Seven years have elapsed, and they are no nearer self-support now than then. How can they support themselves? Froude says: "I know but three ways of living—by working, by begging, and by stealing." The two last cannot apply to a whole tribe or nation; therefore, for them there is but one way, namely, by working. They comprehend fully that they can no longer live by hunting; the game and the buffalo are rapidly disappearing from their reservation, so that they cannot now subsist by the chase. To avoid self-support, they ask the Government, as a consideration for

the Hills, that they shall be subsisted and clothed for seven generations, and some of them insist that this should continue as long as any of the tribe remains. They are averse to labor, and will not work voluntarily. Shall we require them to labor, and enforce the requirement? The American idea is that "to force a man to labor against his will is to make him a slave." An attempt in this direction can be justified only on that which has been called the tyrant's plea—necessity. Does this necessity exist, or does the public good require it? Our Government does not hesitate when the public safety, or, in other words, the general good requires, to compel citizens to serve in the Army. During our recent conflict, a most stringent conscription law was enacted and enforced, because the Government needed soldiers. Vagrant laws are enforced in most of the States as necessary for the good of the State.

Francis A. Walker, late Commissioner of Indian Affairs, who has studied the Indian question with great care, clearly expresses the necessity of exercising governmental control in the following paragraph, which we quote and approve. He says:

"A rigid reformatory control should be exercised by the Government over the lives and manners of the Indians of the several tribes, particularly in the direction of requiring them to learn and practice the arts of industry, at least until one generation shall have been fairly started on a course of self-improvement. Merely to disarm the savages and to surround them by forces which it is impossible for them to resist, leaving it to their own choice how miserably they will live, or how much they shall be allowed to escape work, is to render it highly probable that the great majority of the now roving Indians will fall hopelessly into a condition of pauperism and petty crime. The right of the Government to exact in this particular all that the good of the Indian and the good of the general community may require is not to be questioned. The same supreme law of the public safety which to-day governs the condition of 80,000 paupers and 40,000 criminals within the States of the Union affords ample authority and justification for the most extreme and decided measures which may be adjudged necessary to save this race from itself, and the country from the intolerable burden of pauperism and crime which the race, if left to itself, will certainly inflict upon a score of future States."

The United States may, within the treaty of 1833, refuse to issue subsistence to any or all of the tribes of the Sioux; and, therefore, if supplies are issued, the Government can affix conditions, such as they shall be issued only in compensation for labor performed or for services rendered; and, in the judgment of the commission, after the expiration of the present fiscal year, all rations should be issued only in consideration of services performed. Congress should enact such laws, and the Interior Department should establish such regulations, as will make the requirement effective. There is nothing in the treaty of 1833 inconsistent with a provision for such laws and regulations, and the spirit of the treaty and the necessities of the case require it. It is worse than folly to suppose that the Indians will labor unless instigated thereto by the method here indicated, and it cannot be expected that the people of the United States will, without protest, long consent to be taxed to support the whole Sioux Nation without some equivalent, and they ought not to be required so to do. It needs no argument to show that the condition of the Indian will be improved by exacting from him labor in return for charity, if he is able to render it. His tribal relation does not exempt him from labor if the public necessity and his own support require it. It has been maintained that all obligations of the Government and the Indians have been merged into the treaty of 1868, and that all our relations to each other are fixed by that treaty. We do not so regard this treaty.

#### THE WAY CLEAR FOR ACTION.

The seventeenth article of the treaty provides that this treaty shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements "*obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians, as become parties to this treaty, but no further.*" So that for all other purposes, so far as the Indians are concerned, prior treaties are still in force.

By the several treaties of 1866, made with the bands of the Sioux, (all but the Brulés, of which Spotted Tail is the chief,) the following provision is assented to and made prominent, namely: "Said Indians hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States;" so that by treaty stipulation the Sioux Nation, with the exception of a single tribe, cannot complain of such laws and regulations as will make them self-supporting. But if there were no treaty-stipulations as quoted, it is well settled by the decision of the Supreme Court of the United States that the Indian tribes residing within the territorial limits of the United States are subject to their authority, and that Congress may pass laws for their government, and this may be done in all cases where there are no treaty-stipulations prohibiting such laws. The treaty of 1868 is silent on this subject, and therefore whatever laws and regulations may be required to accomplish the purpose indicated may be rightfully provided without conflicting with existing treaty-stipulations. Any system looking to the civilization of these tribes on their present reservation will be difficult, because of the small amount of contiguous arable land. Hence, if it were practicable, it would be best for the Sioux to wholly abandon their present reservation, and go to the Indian

Territory, where the lands are more productive and subsistence cheaper, and where they could much more quickly and easily become self-supporting by agricultural pursuits. But they look upon the Indian Territory as "the graveyard of their race," and could not at present be made to leave their present reservation without the use of military force, and probably, if at any time this should become practicable, it could only be done by inducing particular tribes—those most advanced—to go there, and in course of time the whole nation might be induced to follow. We have until recently treated the Indian tribes as domestic independent nations, with whom we could make treaties. The commission of 1868, which negotiated the treaty under consideration, strongly urged an abandonment of this policy, and a Congress, 3d of March, 1871, did abandon it, and embarked in a new policy; that "no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power, with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired." (Revised Statutes, sec. 2079, page 366.)

#### OUR OBLIGATIONS TO EXCLUDE UNAUTHORIZED PERSONS.

Whatever our obligations may be under the treaty of 1868, it is the declared policy of Congress that they shall be fulfilled, and the faith of the nation is pledged to their fulfillment. The second article of the treaty provides that a reservation described therein "shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and the United States now solemnly agrees that no person, except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, *shall ever be permitted to pass over, settle upon, or reside in the territory described in this article.*" So that, until this treaty is abrogated by the authority of the United States, it is the duty of the Government to see that this "solemn promise" is enforced. When we remember that the exterior boundaries of the reservation cover an extent of over twelve hundred miles, we can realize the magnitude of this promise, especially when for nearly four hundred miles the eastern boundary is the Missouri River, and the south and west an open plain, so that roads are not necessary to enable persons to enter upon the reservation. The Black Hills are nearly in the center of the reservation from north to south, and easily accessible from all sides, except, perhaps, the north. The measure of force to be employed by the United States in enforcing this article of the treaty depends upon the good faith of the Sioux Nation with reference to their obligations. The obligations of the treaty are mutual and reciprocal. The Indians at the post have not so acted as to require the utmost vigilance on the part of the United States. They promised to maintain peace and order on the reservation. A failure to keep this promise would entail a heavy expenditure on the part of the Government, yet they have so conducted themselves, while receiving the bounty of the Government, as to make the establishment of expensive military posts necessary at all the agencies. At Red Cloud there are four companies of infantry and two of cavalry; at Spotted Tail, three of infantry and one of cavalry; a post at Fort Laramie, contiguous to the reservation; and a small force at each of the other agencies; all made necessary by the conduct of the Indians, and all requiring great expense for their maintenance, except those on the Missouri River, on account of the distance from cheap transportation. Now, they ask that the Government shall use this military force, not only to preserve order and protect property at the agencies, but also that it shall be used against citizens of the United States who choose to violate law and treaty-obligations, and who, in addition, take the risks of conflict with the Indians for the shadowy prospect of gold in the Black Hills!

Although the treaty requires the Indians to be removed to a place designated on the Missouri River, or a place contiguous to it, a large portion of them (the larger part) have refused, and now refuse, to make their permanent home in the reservation set apart for them, and say they will only be removed by military force.

Before the Sioux Nation is in position to exact so much of the Government, it should relieve the Government of the necessity of force to protect its own agents and property, purchased for the use of the Indians with money voluntarily appropriated from the public Treasury, and should comply with the provision that requires them to move to a designated place upon their reservation. They insist that the value of the Hills shall be estimated at many millions because of the gold easily acquired, but they refuse to become self-supporting by making effort to acquire it. Their leading chiefs ask \$70,000,000 for the Hills in the morning, and in the evening beg a shirt or a blanket! Such a mixture of assurance, poverty, and idleness would not ordinarily command the highest sympathy, or seem to require the utmost vigilance, on the part of the Government or the people to preserve rights under a treaty which is only sacred to the Indian so far as it conforms to his whims, caprices, or interests.

The President of the United States could do no less than to use the military forces of the United States to maintain this provision. But, in view of all the circumstances and conduct of the Indians, Congress ought to consider the whole question, and by law declare the policy that should be pursued in the future, preserving its own obligations, and insisting that the Indians shall reciprocally observe them. When a firm policy is established by law, comprehending our whole relations to the Sioux Nation, it will not be difficult to make a just agreement upon the subject of the occupation of the Hills. The Indians are now treated as

wards of the Government in every other respect except as to the lands. The treaty of 1868 contemplates such treatment. The Indians are now subjects of our bounty and charity, and we can impose upon them conditions for their improvement as we will. They are sure to be resisted at first, but will be assented to gladly in time, as it is impossible for them to resort to hunting as an alternative, so that dependence upon the Government or self-support by labor or starvation are the alternatives.

#### CAUSES OF FAILURE.

The commission, in closing, state that a failure to make an agreement may be traced to the following causes:

1. That no agreement can be successfully concluded in the Indian country by means of a grand council of chiefs in the presence of the great body of the Indians.

2. No agreement can be made unless accompanied with presents, as presents have invariably been distributed heretofore at the signing of treaties or agreements.

3d. The Indians place upon the hills a value far beyond any sum that could possibly be considered by the Government.

4th. The Indians are hostile to the presence of whites on the reservation, and they believe that the opening of the hills to the whites would result in the opening of the whole reservation and their final expulsion, which belief induces a strong minority at least to oppose any cession.

5th. The determination on the part of persons not Indians but having great influence over them, that no negotiation shall be successful that does not involve a large sum annually for many years, and in case of present failure another commission would be sent, which would deal liberally with them.

#### THE SUMMING UP.

The commission recommend:

1st. That Congress shall take the initiative upon the whole subject of our relations with the Sioux, and by law make provision for a thorough system of education for all between the ages of six and sixteen years at a point or points distant from contact with or from the influence of adult Indians, which system shall involve manual-labor and industrial schools, and shall be compulsory; also provide by law and regulation that the adult Indians shall be required to perform labor as a condition for their subsistence, and that after a time in the future to be fixed subsistence shall only be issued to such as do labor, and to the aged, infirm, and those who are unable to labor.

2d. Protect by law every Indian in the acquisition of private property, and secure him in the possession of the same.

3d. That those bands which now occupy the northwestern part of the State of Nebraska be removed therefrom to some point or points within the permanent reservation established by the treaty of 1868, where land suitable for agriculture can be found and where necessary supplies can be furnished at a greatly reduced cost.

4th. That all supplies be issued under the direct supervision of officers of the Army, and that detailed reports of quality and quantity and cost be published annually.

5th. Abolish all the present agencies and re-organize the whole system of officers and agencies for the Sioux Nation, and provide such compensation to officers and agents as will command, if not secure, fidelity and competency.

6th. Make known to the Indians that a sufficient amount of force will be used to secure compliance with these salutary provisions made for their benefit, to the end that they may become civilized and self-supporting, if possible.

7th. Provide for payment to the Indians of a sum which Congress shall fix as a fair equivalent for the Hills, taking into the account all the circumstances surrounding them, and the value of the Hills to the United States; which sum, so offered or paid, shall become a part of the fund required for the purpose hereinbefore indicated.

The plan here suggested, or some other to be adopted by Congress, should be presented to the Indians as a finality, and with it they should be told that its rejection will have the effect to arrest all appropriations for their subsistence in the future, and all supplies not absolutely required by the treaty of 1868.

The commission makes these suggestions with hesitation, the more so because it will require patience and time to make the experiment a success, if it become so. The commission has felt it to be its duty to state the facts as they appear, and has ventured to suggest remedies, imperfect though they may prove to be, in order that those more familiar with the whole subject may combat them, and suggest others more efficacious, if these should not stand the test of intelligent and impartial criticism. It is no easy task to satisfactorily solve the problems forced upon the Government by the location, necessities, and condition of these Sioux tribes; but they have claims upon us that cannot be overlooked. They have been pushed back from the east by the advancing tide of civilization until it meets them again from the west. Their reservation, extending over an area as large as New England, is, for the most part, unsuited to agriculture. The steady extinction of game is cutting them off from the only means of subsistence of which they have any knowledge. They are now practically helpless without the fostering care of the Government. New and prosperous States have been added to the nation from the territory which was once their

homes, and but for our people the region thus taken—no matter how—would still afford them subsistence, precarious and uncertain it may be, but suited to their wants and habits. This sacrifice has brought to them destitution and beggary; to our nation wealth and power, and with these an obligation to make good to them, in some way, the loss by which we have so largely gained. We have faith that this obligation will be fairly met and conscientiously discharged by Congress, and we believe that it should be submitted to that body for immediate consideration and action.

W. B. ALLISON, *Chairman*.  
 ALFRED H. TERRY.  
 A. COMINGO.  
 SAML. D. HINMAN.  
 G. P. BEAUVAIS.  
 A. G. LAWRENCE.  
 WM. H. ASHBY.

J. S. COLLINS, *Secretary*.

#### APPENDIX A.

*Special report of General A. G. Lawrence, of the commission, on the probable increase of population among the Sioux Indians.*

General Lawrence made the following report, which was adopted as Appendix A, as follows:

There is a general impression that the Indians are diminishing and will ultimately disappear. This is not the case with the Sioux Nation. No conclusion of increase of population can be drawn from more logical premises than from the number of adults and infants in a community. The following table will, therefore, be pertinent to the inquiry.

In every 1,000 of population:

	Adults.	Children under 18.	Yearly increase.
France.....	639	361	$\frac{25}{100}$
Belgium.....	587	413	$\frac{20}{100}$
Holland.....	574	426	$\frac{58}{100}$
Great Britain.....	547	453	$\frac{112}{100}$
Prussia.....	526	474	$\frac{137}{100}$

In the United States, the natural yearly increase is less than that of Prussia, although the census gives  $\frac{21}{100}$ , the difference being accounted for by immigration. Colored population in United States,  $\frac{20}{100}$ .

	Adults.	Children.
Cheyenne Indians, now part of Sioux Nation.....	425	575
Little-Wound band.....	455	545
Young-man-afraid-of-his-horses.....	462	538

The natural increase of population, when unchecked by the difficulty of procuring means of subsistence and other peculiar causes, can be computed by doubling its numbers every twenty years.

Malthus, the authority on population, says:

"There is no reason whatever to suppose that anything besides the difficulty in procuring in adequate plenty the necessities of life should either indispose the greater number of persons to marry early or disable them from rearing in health the largest families. But this difficulty would of necessity occur, and its effect would be either to discourage early marriages, which would check the rate of increase by preventing the same proportion of births; or to render the children unhealthy from bad and insufficient nourishment, which would check the rate of increase by occasioning a greater proportion of deaths; or, what is most likely to happen, the rate of increase would be checked partly by the diminution of births and partly by the increase of mortality.

"The first of these checks may, with propriety, be called the *preventive check* to population; the second, the *positive check*; and the absolute necessity of their operation in the case supposed is as certain and obvious as that man cannot live without food."

During the last seven years it has been the practice to issue to each Indian over the age of four years, who has settled permanently upon the reservation and complied with the stipulations of the treaty of 1868, one pound of meat and one pound of flour per day. The beef is issued on the hoof, computing three pounds gross as equal to one pound of meat. The Indians use as food the whole of the animal except the horns, hide, and hoofs, thus increasing their rations. As long as this allowance is issued, there is no *preventive* check to population.

The price of food acts as a *positive check* by the increase of mortality. The following returns, given in seven distinct manufacturing districts in England, covering a term of ten years, show that the average of deaths has been proportionate to the dearness, or, in other words, the scarcity of subsistence:

	Average price of wheat per quarter.		Deaths.
	s.	d.	
First year .....	118	3	55,965
Third year.....	60	1	44,794
Sixth year.....	73	3	48,108
Ninth year.....	106	3	54,864

Among the different tribes of Sioux Indians the prudential restraint which in most countries prevents individuals from begetting children without a reasonable expectation of being able to provide for their support is reduced to a minimum, as Article X provides, in addition to the rations, for the delivery of clothing for a term of thirty years, and in addition thereto the sum of \$10 yearly for such persons as roam and hunt, and \$20 per annum for such as engage in farming. This money is expended by the United States Government in the purchase of tea, coffee, sugar, and tobacco.

The climate is highly favorable to health, the atmosphere is pure and dry, and there is comparatively little rain. Pulmonary diseases are scarcely known. According to the census of 1870, there were 7.8 deaths from all causes to 1 from consumption, and 12.4 from all causes to 1 from pneumonia. While the winters of the north are severe, the climate of the south is mild. Spring opens earlier than in the same latitude farther east. Observations made at Fort Clark, latitude 47°, show the mean temperature for the six months beginning with December to have been 1° lower than at New York City and Pittsburgh. With the thermometer at 86°, meat hung in the open air cures itself without the use of salt. The grass never rots, but dries on the ground, affording good hay during the winter.

General G. K. Warren, of the United States Engineers, in his able report of explorations in Dakota and Northern Nebraska in the years 1855, '56, and '57, estimates the number of Sioux Indians at 24,000. Of these, 3,680 were Ogallallas, (Red Cloud) and 3,040 Brulés, (Spotted Tail.) These Indians have increased at about equal rates. The recent count, as made by the most reliable men available, shows the number at Red Cloud agency (Ogallallas) to be 9,339, and the number at Spotted Tail agency (Brulés) to be about 8,000.

It would seem that the general increase, including the wild tribes, has not been as large. The whole population of the different tribes composing the Sioux Nation is estimated at 37,000, 7,000 of whom are roaming, and 30,000 agency Indians, besides 1,000 who have removed to Canada since 1867, where they have been put upon a reservation of their own by the Dominion government.

The appropriations for the Sioux Nation have been as follows:

1868 .....	\$142,490
1869 .....	485,784
1870, (Sioux computed at 11,400 roaming, and 3,600 engaged in agriculture— total, 15,000).....	1,608,600
Deficiency bill.....	120,000
1871 .....	2,024,900
1872, (computed for 20,000 Indians).....	1,911,800
1873 .....	1,911,000
Deficiency bill.....	350,000
1874 .....	1,824,759
1875, (computed for 30,000 Indians).....	1,752,600
Deficiency bill.....	75,000
1875, for the Niobrara rights.....	25,000

We have also the authority of Malthus for the following:

"According to all past experience and the best observations which can be made on the motives which operate upon the human mind, there can be no well-founded hope of obtaining a large produce from the soil but under a system of private property. It seems perfectly visionary to suppose that any stimulus short of that which is excited in man by the desire for providing for himself and family, and of bettering his condition in life, should operate on the mass of society with sufficient force and constancy to overcome the natural indolence of mankind. All the attempts which have been made since the commencement of authentic history to proceed upon a principle of common property have either been so insignificant that no inference can be drawn from them, or have been marked by the most signal failures; and the changes which have been effected in modern times by education do not seem to advance a single step toward making such a state of things more probable in future. We may therefore more safely conclude that while man retains the same physical and moral constitution which he is observed to possess at present, no other than a system of private property stands the least chance of providing for such a large and increasing population as that which is to be found in many countries at present."







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